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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,032	09/27/2005	Tetsuro Kawanishi	033528-025	4440

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BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
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NWAONICHA, CHUKWUMA O

ART UNIT	PAPER NUMBER
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1621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/551,032

Applicant(s)

KAWANISHI ET AL.

Examiner

Chukwuma O. Nwaonicha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**Current Status**

1. Claims 1-25 are pending in the application.

**Priority**

Applicants' claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

**Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-25 are indefinite because the oxygen in the structures contains one bond instead of two. Correction is required.

Claims 1-25 are indefinite because the phrase "solid phase material". It is not clear what material applicants are claiming. Correction is required.

Claims 22-25 are indefinite because it is not clear what is reacting. Clarification is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims** 1-25 are rejected under 35 U.S.C. 102(a) as being anticipated by Danilooff et al., {WO 2002057788 same as US 2002127626}.

Danilooff et al. disclose applicant's claimed fluorophore compounds, method for detecting the concentration saccharide and a sensor. See Abstract.

**Claims** 1-25 are rejected under 35 U.S.C. 102(a) as being anticipated by Danilooff et al., {WO 2002054067 same as US 2002094586}.

Tanaka et al. disclose applicant's claimed fluorophore compounds, method for detecting the concentration saccharide and a sensor. See Abstract.

**Claims** 1-25 are rejected under 35 U.S.C. 102(a) as being anticipated by Colvin, {US 6794195}.

Colvin discloses applicant's claimed fluorophore compounds, method for detecting the concentration saccharide and a sensor. See Abstract.

**Claims** 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by James et al., {GB 2284809}.

James et al. disclose applicant's claimed fluorophore compounds. See Abstract.

**Claims** 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell et al., {WO 20010181543 same as US 6,366,793}.

Bell et al. disclose applicant's claimed fluorophore compounds, method for detecting the concentration saccharide and a sensor. See Abstract.

**Claims** 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Linnane et al., {A Sweet Toothed Saccharide (PET) Sensor, Tetrahedron Letters, 1995, 36, (48) 8833-8834}.

Linnane et al. disclose applicant's claimed fluorophore compounds, method for detecting the concentration saccharide and a sensor. See page 8833.

**Claims** 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by James et al., {Novel Saccharide-Photoinduced Electron Transfer Sensors Based on the Interaction of Boronic Acid and Amine, Journal of the American Chemical Society, 1995, 117 (35), 8982 – 8987}.

James et al. disclose applicant's claimed fluorophore compounds, method for detecting the concentration saccharide and a sensor. See pages 8983-8986.

**Claims** 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by James et al., {A Diboronic Acid 'Glucose Cleft' and A Biscrown Ether 'Metal Sandwich' are Allosterically Coupled, Journal of the Chemical Society, Chemical Communications, 1995, (14), 1483-1485}.

James et al. disclose applicant's claimed fluorophore compounds. See Abstract.

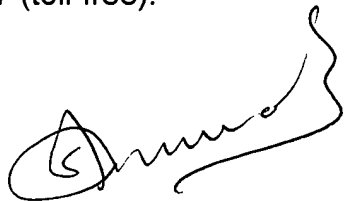
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman k. Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chukwuma O. Nwaonicha, Ph.D.  
Patent Examiner  
Art Unit: 1621

  
for \_\_\_\_\_

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